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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/422,758 10/21/99 PACKHAM

C 11223/002001

EXAMINER

QM32/1122

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ART UNIT

PAPER NUMBER

3724

DATE MAILED:

11/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/422,758

Applicant(s)

PACKHAM ET AL.

Examiner

Charles Goodman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 38-53 is/are pending in the application.
- 4a) Of the above claim(s) 20, 21, 40, 41, 44, 45, 48 and 49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 38, 39, 42, 43, 46, 47 and 50-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6, 9.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

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DETAILED ACTION

1. The Amendment filed on August 11, 2000 has been entered.

Election/Restrictions

2. Applicant's election without traverse of Group I, Species I, claims 1-19, 38, 39, 42, 43, 46, 47, and 50-53, in Paper No. 8 is acknowledged.
3. Claims 20, 21, 40, 41, 44, 45, 48, and 49 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected Groups and Species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

Information Disclosure Statement

4. Receipt is acknowledged of the IDS filed on January 27, 2000, August 11, 2000, and September 25, 2000. It is noted that some of the references have been crossed out due to duplication.

Specification

5. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.

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- (b) Cross-References to Related Applications.
 - (c) Statement Regarding Federally Sponsored Research or Development.
 - (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
 - (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
 - (f) Brief Summary of the Invention.
 - (g) Brief Description of the Several Views of the Drawing(s).
 - (h) Detailed Description of the Invention.
 - (i) Claim or Claims (commencing on a separate sheet).
 - (j) Abstract of the Disclosure (commencing on a separate sheet).
 - (k) Drawings.
 - (l) Sequence Listing (see 37 CFR 1.821-1.825).
6. The disclosure is objected to because of the following informalities:
- i. The specification lacks proper headings. Note *supra*.

Appropriate correction is required.

Drawings

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "118" has been used to designate both a parabolic end skirt (Fig. 1, p. 9, l. 5) and an under cutter (Fig. 11, p. 11, l. 4) and "243" has been used to designate both a cutaway of a mask (Fig. 26, p. 10, l. 13) and a foil aperture patten (p. 23, ll. 1-2, Fig. 27). Correction is required.
8. The drawings are objected to because in Fig. 18, reference "61" should read -- 161 --. Correction is required.
9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "41" and "42" (Fig. 32). Correction is required.

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10. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elongate hair-capture slots (e.g. claim 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claims 1-19, 38, 39, 42, 43, 46, 47, and 50-53 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification and the claims set forth shaving cutters or systems with curved shapes, yet it is not clear from the description as to the distinction between convex, concave, elliptic, hyperbolic, and parabolic.

For example, p. 8, ll. 24-30 describe that all points in the first region 116a are elliptic while all the points in the second region 116b are hyperbolic. This is confusing. What frame of reference is Applicant using to define what is "elliptic" and "hyperbolic"? Moreover, how is a point, i.e. an imaginary "dot" on a surface, considered "elliptic" or "hyperbolic"? A point by definition does not define a two or three dimensional surface implied by the terms. Furthermore, taking into consideration the depiction in Fig. 1 of the application, what makes the first region

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116a “elliptic” and the second region 116b “hyperbolic”? Depending on an observer’s view, the opposite could be said of the two regions. Thus, clarification of the description is requested.

Note that this applies to all instances of the above mentioned terminology, e.g. parabolic, convex, and concave.

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 1-19, 38, 39, 42, 43, 46, and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language. The following are some noted examples.

- i. Claim 1 is vague and indefinite in that it is not clear what the claim encompasses. From what reference is the “convex” and the “hyperbolic” regions defined? Note related issue supra under 35 USC § 112, 1st ¶. **The same applies to the rest of the claims.**
- ii. In claim 8, the phrase “any one of claim 5...” is not clearly understood. Obviously, the phrase is referring to a single claim, and thus, it appears that the phrase “any one of” should be deleted.
- iii. Claim 9 is vague and indefinite in that it is not clear what the claim encompasses. Where is the “elongate hair-capture slots” shown in the drawings? **The same applies to the rest of the claims.**
- iv. In claim 11, l. 4, the phrase “parabolic *or* hyperbolic” (emphasis added) should read -- parabolic and hyperbolic -- since these shapes are part of a group that

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should be designated in the “and” alternative. Note similar phraseology in ll. 2-3 of the claim.

- v. Claim 16 is vague and indefinite in that it is not clear what the claim encompasses. How is a “region”, which is assumed to be three dimensional in light of the disclosed invention, defined as a two dimensional curve? What is the claim referring to?
- vi. Claim 39 is vague and indefinite in that it is not clear what the claim encompasses. What is the difference, if any, between the “arcuate longitudinal centre line” and the “parabolic” of claim 11 since, as best understood of the invention, the “parabolic” of claim 11 appears to be setting forth the center line 116 according to the specification? If not, then there appears to be a double inclusion problem in the claim.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. As best understood, claims 1-17 and 50-53 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pranjko (DE M9004739.7). See Fig. 1.

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Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

19. As best understood, claims 18, 19, 38, 39, 42, 43, 46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pranjko (DE M9004739.7) in view of Packham (GB 2,036,631 A).

Pranjko discloses the invention substantially as claimed including an inherent under cutter that is oscillatory driven by a driving element due to the fact that the shaving system of Pranjko is an electric shaver with a curved skin engaging surface and for the shaving system of Pranjko to operate as intended, it must have an under cutter that conforms to the outer cutter and oscillates in correspondence with the curved surface of the outer cutter. See whole document. However, if it is argued that Pranjko lacks the under cutter and drive element, then Packham clearly teaches a shaving system comprising a curved outer surface 8 which functions as an outer

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cutter, an under cutter 9 conforming to the outer cutter, and a drive element 4 that oscillates the under cutter for the purpose of providing the positive cutting action for drive shaver systems. See Fig. 2, p. 1, ll. 93-125. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the device of Pranjko with the under cutter and drive element as taught by Packham in order to facilitate positive cutting action of the dry shaver.

Conclusion

20. Mukai et al, Tanahashi et al '154, Locke, Stewart, Tanahashi et al '149, Kobler et al '743, Kobler et al '175, Rand Jr., Bruecker, Krups (DE 1,553,747), and Furuichi (JP 406182063) are cited as pertinent art.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached on (703) 308-2187. The fax phone number for this Group is (703) 305-3579.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [rinaldi.rada@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive

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information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Charles Goodman
Patent Examiner
AU 3724

cg 
November 20, 2000